

**REPORT OF THE DEPARTMENT OF DEFENSE  
DOCUMENT PROCESSING FOR MARCH 2005**

**Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)**

**1. *Number of pages in documents released to the plaintiffs***

A total of 2,907 pages were sent overnight delivery to the plaintiffs in two batches on March 23 and April 6 and one batch was delivered electronically on April 5th.

**2. *Number of pages in documents denied in full***

A total of 5,364 pages were determined to be denied in full. More specifically, classified memoranda of the Department of Defense were denied under FOIA Exemption 1 because they contain classified information. Documents of the Department of the Army were denied under FOIA Exemption 7(A) as they concern ongoing proceedings under the Uniform Code of Military Justice and Exemption 5 as they contain attorney-client and deliberative process privileges. Documents of the Coalition Provisional Authority were denied under Exemptions 1 and 5 as they contain classified information as well as information privileged under the attorney-client and deliberative process privileges. The Department of Defense reserves the right to assert any other applicable exemptions for these documents under the FOIA.

**3. *Number of pages in documents referred outside the Department of Defense***

A total of 590 pages were referred to agencies outside the Department of Defense. These documents were referred by the Army and the Office of the Secretary of Defense to other agencies within the Government; processing within the Department of Defense has been completed.

**4. *Number of pages in documents determined to be non-responsive***

A. A total of the equivalent 2,655 pages of documents in the form of audio tapes of interviews were determined to be non-responsive after review of the tapes. The Department of Defense is including these figures in its total for pages processed in March because of the unusually intense nature of the review required. The review was performed by the Department of the Army.

B. More than 2,000 pages of documents of the Department of the Army and the Coalition Provisional Authority were determined to be non-responsive. The Department of Defense is not including these figures in its total for pages processed in March even though these documents were reviewed by the Department of Defense.

**5. *Total pages included in Defense Department processing for March: 11,516***